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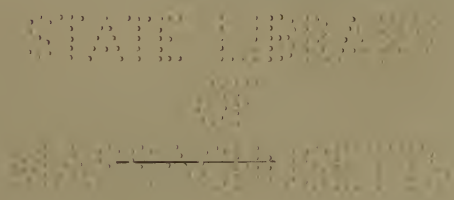


# ANNUAL REPORT

OF THE

## STATE BOARD OF ARBITRATION AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1897.



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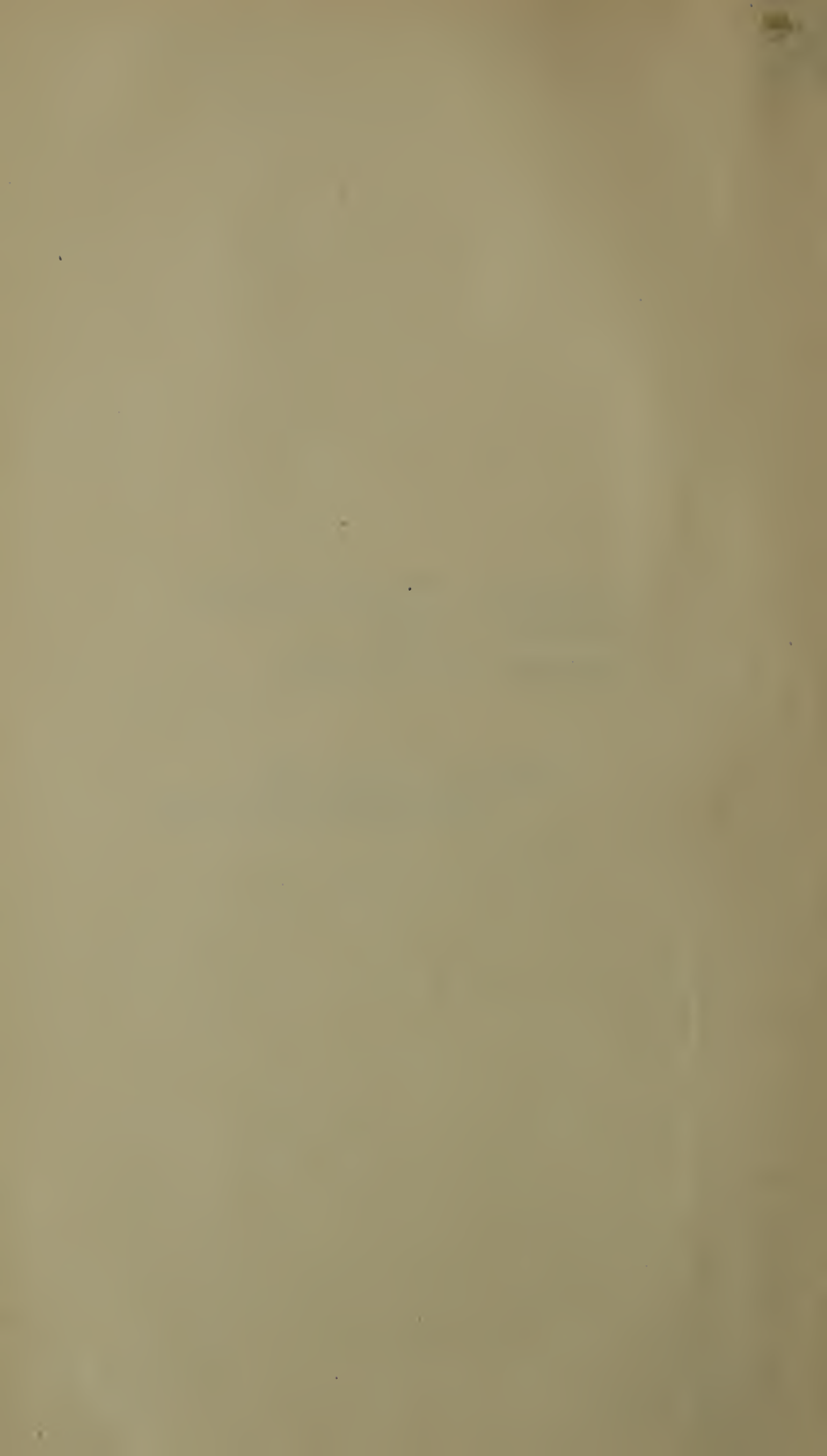


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BERNARD F. SUPPLE, Clerk,  
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## TWELFTH ANNUAL REPORT.

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*To the Senate and House of Representatives in General Court assembled.*

In the following pages is contained a report of the work of the State Board of Arbitration and Conciliation for the year 1897, or rather an account of what the Board has done or attempted in the particular cases that are described. From the nature of the business, it necessarily happens that much effort is exerted and time expended of which no specific mention is made in any report; for ever since the formation of the Board its annual reports have been framed with the design of laying before the public in a concise and readable form only the material facts relative to controversies in which the Board has taken action, or so much at least as may serve as a suitable record of the practical workings and results of the plan of arbitration and conciliation in the name of the State as a method of adjusting disputes between employers and

employees. It should be a cause of gratification to know that the reports of this Board are sought for and read by manufacturers, mechanics, laboring men and others; that they are used in the lecture rooms and recitation rooms of colleges and technical schools; and that a larger number of copies even than is now authorized by law might be distributed among appreciative readers. These facts, together with other circumstances of a like tendency, go to prove that, while the work of the Board, taken one year with another, remains about the same in character and extent, without any special enlargement of the sphere of its influence, the belief in arbitration and conciliation as useful and practical methods has not abated, but rather become more extended and more firmly established among those who have given most thought to the solution of the problems of labor and capital. During the year there have been some attempts more or less successful to settle disputes by private arbitration, that is, by a board or committee chosen by the parties themselves for a particular case. In all such cases, this Board has expressed its willingness to co-operate as far as possible with the wishes of the parties concerned, and



some of the cases which are here reported were originally begun in this way and eventually brought to the State Board after unsuccessful attempts to effect a settlement through a board selected by the parties.

During many weeks last summer the principal industry of the active and thriving city of Brockton was seriously affected by a succession of strikes and lockouts in several shoe factories of that city. Some of the differences which then arose were submitted to this Board and were adjusted in a manner fairly satisfactory to the parties concerned; and it may safely be added that none of the disputes which then arose were of such a nature that they could not have been settled in a similar way, either with the assistance of this Board or without it. It is due to the Board of Trade of that city, as well as the Boards of Trade of Lynn and New Bedford, to say that they have exerted a very laudable and efficient influence in their respective cities, by co-operating with us, by counselling moderation and reasonableness, by recommending some form of arbitration as a means of settlement, and by spreading information concerning the aims and methods of the State Board. The results of

disinterested work of this kind done by citizens of good standing and influence in their own communities may not be so immediately conspicuous as in some other kinds of public effort, but such efforts are nevertheless intelligently directed, and if continued must necessarily be productive of good results to the whole Commonwealth.

The Board has taken cognizance during the year of controversies involving persons whose yearly earnings are estimated at \$1,036,360. The total yearly earnings in the factories, etc., involved, under ordinary conditions, are estimated at \$3,840,800.

The expense of maintaining the State Board for the year has been \$10,397.87.

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REPORTS OF CASES.

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## REPORTS OF CASES.

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### WILLIAMS, CLARK & CO.—LYNN.

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Early in December, 1896, an application was received from the employees of Williams, Clark & Co., of Lynn, shoe manufacturers, in the departments of heeling and beating-out. The action of the Board is sufficiently set forth in a decision rendered on January 25, as follows:—

*In the matter of the application of employees of Williams, Clark & Co., of Lynn.*

PETITION FILED DECEMBER 2, 1896.

HEARING DECEMBER 17.

In this case the employees of Williams, Clark & Co., of Lynn, shoe manufacturers, have made application to this Board, as prescribed by law, asking the Board to investigate certain reductions in the price of labor in their factory, and advise the parties “what, if anything, ought to be done or submitted to by either or both,” to adjust the dispute. There has been no strike. In fact, these proceedings have been resorted to in order to prevent strikes in the city and to substitute

a more rational and business-like method of settling such disputes.

Immediately upon the filing of the application, it was laid by the Board before the firm in a personal interview, and they were asked to join in the application so that both parties might be bound by the decision. After due deliberation, the firm declined to join in the application, for the reason as stated by them, that they could not afford to pay more than the wages indicated by their reduced list. Upon being questioned more particularly, they said that their meaning was, that, in view of the wages paid by their competitors, they could not afford to pay more than the reduced list. The Board proceeded to give notice in the newspapers, as well as a special notice to the firm, of a public hearing which was had at the City Hall in Lynn, on December 17. The firm did not appear at the hearing, but most of the workmen immediately interested, and some from other factories, were present and gave their testimony. An investigation was then made by the Board, with the aid of sworn expert assistants, into the prices and conditions prevailing in other factories which were supposed to be competitors of Williams, Clark & Co. Ten factories were named by the firm as competitors, and others were added to the list either by suggestion of the Board or of the representatives of the workmen. The firm admitted that they had no sufficient knowledge of the prices paid by their competitors, but such information has been obtained by the Board in all but two of the factories on the list. Throughout these proceedings the firm, although for reasons of their own not willing to join, technically

speaking, in the arbitration, have treated the Board with courtesy and have readily supplied such information as desired by the Board.

As a result of the investigation, the Board is unable to find in the prices paid by other manufacturers, even those named by the firm as their closest competitors in the market, any sufficient reason or justification for the reduction which was put in force on December 1, 1896, for the work of beating out, heel-nailing on the National machine, shaving on the Buzzell machine, scouring and breasting heels and burnishing heels.

It is impossible for the Board to foresee all the practical consequences of this decision, but it is natural to expect that the employees will think that the attitude of the firm ought to be changed, or at least reconsidered after this finding by an impartial public board, appointed by law to ascertain and declare what is right for employer and employees in cases of this character. In view of the probability that the mutual relations of the firm and their employees may again be the subject of friendly discussion by them, the Board deems it important that certain things be borne in mind by both parties, viz.:—

It should be noted that this factory has always been a good factory for the employees to work in, and that the relations between the firm and their work people have always been pleasant, and, in the main, mutually satisfactory. There is everything in favor of preserving this condition of things. While in many respects the conditions under which these employees work are sufficiently favorable, it may be, and it so appears to



the Board, that in making the reductions complained of, the firm did not make sufficient allowance for certain other conditions, such as the frequency of small lots, which operate more unfavorably to the workmen in this factory than in any other factory investigated, and the obvious difference between the product of this factory and some others paying lower rates of wages.

The firm said frankly that they could not learn with any certainty the prices paid by their competitors, but the Board has obtained those prices, and in some of the shops cited by the firm, where reductions have lately been put in force, the reduced prices in those shops are nearer to Williams, Clark & Co.'s old prices than to their new list, when quality of work and general conditions are kept in mind. But while the Board has considered, and has given its decision on the question, whether or not the firm's position is justified by the competition of wage lists, it ought nevertheless to be remembered in any future discussion of the subject, that other considerations may, and often do, cause one side or the other to concede something for the sake of harmony and agreement. The firm knows better than anyone else just how hard it is to sell goods in a poor market, already well nigh filled by other sellers equally active and enterprising. Neither employer nor employees need to be told that when times are hard and business depressed, it should be impossible for any difference to arise which cannot be adjusted in some manner, if only temporarily or until business shall improve.



Finally, it is hoped that this firm and their employees will be willing to reconsider all the matters involved in this case, with a disposition, as heretofore shown on both sides, to agree to what is reasonably fair under all the circumstances.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

*Result.*—For subsequent occurrences see report on page 34.

**N. C. GRIFFIN — WAYLAND.**

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On January 18, a joint application was received from N. C. Griffin, of Cochituate, shoe manufacturer, and his employees in the lasting department, requesting the Board to fix prices for the work of lasting on the Consolidated Hand-Method machine. The workmen had struck, but returned to work as a condition precedent to arbitration proceedings. The action of the Board is sufficiently set forth in the decision rendered February 19, as follows:—

*In the matter of the joint application of N. C. Griffin, of Wayland, and the lasters in his employ.*

PETITION FILED JANUARY 18.

HEARING, JANUARY 21, 1897.

In this case the Board is requested to fix prices for lasting in the factory of N. C. Griffin, at Cochituate, on the Consolidated Hand Method machine.

Having duly considered the evidence and the statements of parties and expert assistants, and in view of all the circumstances and conditions of the factory in question, the Board recommends that the following prices be paid in this factory:—

Pulling over, pounding up and pulling lasts:						Per Doz. Pairs.
Men's ties and back seams,	.	.	.	.	.	\$0.19
Men's brogans,	.	.	.	.	.	.18
Boys' ties and brogans,	.	.	.	.	.	.18
Operating,	.	.	.	.	.	.10
Sole laying by machine,	.	.	.	.	.	.05½
Extra sizes:						

For any dozen including a No. 13, and for any whole

dozen of No. 12's, extra, . . . . .00½

A sufficient number of racks and lasts to be furnished to the workmen.

By agreement of the parties this decision is to take effect from January 18, 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—On February 20, a letter was received from Mr. Griffin desiring to know whether the half a cent extra awarded for extra sizes was to be divided between the operator and puller over, or between the sole-layer and pounder-up. On March 1, the Board replied that it was the intention of the Board that the extra amount awarded should be divided into four equal parts and distributed as follows: one each for the two pullers-over and pounders, one for the operator and one for the sole-layer.

The decision was accepted by all concerned.

JOSEPH M. HERMAN & CO.—MILLIS.

---

A joint application was received on January 22, 1897, from Joseph M. Herman & Co., of Millis, shoe manufacturers, and their employees, concerning the prices paid for the work of sole-tacking and pulling lasts. The firm proposed a reduction of two cents a dozen for the work in question, which was opposed by the workmen.

A hearing of the parties was had on January 27. It appeared from the declaration of the representative of the firm that it was intended in the near future to revise all the prices in the factory with a view to making a product of a lower grade than was then made; and after some discussion and a failure to effect agreement, it was suggested by the Board that in view of the probability of a larger question arising, further proceedings on this subject be deferred, and the employees paid on account in the meantime, until prices should be settled either by agreement or by

arbitration, as circumstances might require. The suggestion was acquiesced in by all concerned, and no objection being made, the application was placed on file, subject to the right of either party to call it up again.

Subsequently, on April 12, at the request of the employees' agent a hearing was assigned for April 21, and the parties were notified accordingly. A reply was received from the firm acknowledging receipt of the notice and stating that the difference had assumed such a form that it could be easily settled by the agreement of the parties, and requesting a postponement of the hearing. The agents of the employees were promptly notified of this communication, and on April 20, the Board was notified that the case had been settled by agreement.

**T. D. BARRY & CO.—BROCKTON.**

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A joint application was received on March 8 from T. D. Barry & Co., of Brockton, shoe manufacturers, and the lasters in their employ, requesting the Board to fix a price for lasting McKay-sewed shoes on the Chase lasting machine; also a price for lasting similar work by hand.

The parties having been heard and the usual investigation made, the Board rendered the following decision on April 30, 1897:—

*In the matter of the joint application of T. D. Barry & Co., of Brockton, and the lasters in their employ.*

PETITION FILED MARCH 8, 1897.

HEARING, MARCH 12.

The written application in this case calls for the fixing of prices for lasting McKay-sewed shoes on the Chase High Speed Lasting Machine. A price for lasting similar work by hand was also called for by the application; but this part of the case was withdrawn by agreement at the hearing.

Having considered the question of machine lasting, the Board recommends that the following prices be paid in the factory of T. D. Barry & Co., at Brockton, for lasting McKay-sewed work on the Chase High Speed

Lasting Machine, that is, for pulling over, operating and pulling lasts:—

	Per Pair.
Lasting shoes, plain toes, . . . . .	\$0.04 $\frac{1}{4}$
Lasting shoes, cap toes, . . . . .	.04 $\frac{3}{4}$
Lasting shoes, cap toes and soft box, . . . . .	.05
Lasting shoes, vici kid, extra, . . . . .	.00 $\frac{1}{2}$
Lasting shoes, colored goods, extra, . . . . .	.00 $\frac{1}{2}$

It is further recommended that care be taken by the employer or foreman to keep the workmen supplied with a sufficient number of racks and lasts.

By agreement of the parties, this decision is to take effect from the first day of March, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

*Result.*—The decision was accepted by all concerned.



**T. H. JONES.—STONEHAM.**

---

A notice was posted in the shoe factory of T. H. Jones at Stoneham, on January 25, stating in effect that all the employees were thereby discharged, but that on the next day the factory would be opened for all who desired to work on terms prescribed by the firm, that is, upon a reduced price list. Some thirty or more of the employees accepted the price list and returned to work, but the majority did not do so. Thereupon others were hired as opportunity offered, residents of the town being preferred.

On February 2, the Board visited the factory and were informed by the superintendent that the reduction was necessary and reasonable, that there had been a lack of discipline and good order in the factory for some little time, that the employer declined to treat with the unions or their representatives, and must insist upon hiring workmen as individuals; that the determination was to run a "free shop"



and that there was no controversy to settle by arbitration or otherwise.

The Board then called upon the representatives of the lasters' union and were informed that two or three weeks before, a concession had been made to another shop in Stoneham, and it was in contemplation to do as much for Mr. Jones, but before there was opportunity, the discharge came suddenly and the employer put himself in a position antagonistic to the union; that the union had offered to leave the matter to the State Board, but the proposition had not been entertained favorably by the employer. At this time the question was not one of a wage list, but whether the unions were to be recognized.

As Mr. Jones was not accessible at this time, although he had been notified of the Board's coming, a member of the Board called upon him at Stoneham on February 18, but was unable to find him. Again on March 2, the Board made another attempt, and although Mr. Jones was found, his former position was firmly adhered to. On May 25 a last interview was had with Mr. Jones, who stated that he then had two hundred and sixty employees, and had applied to the court for an

injunction against interference of outsiders, that with him it was "free shop or nothing," and that under no consideration would he recognize the union.

In the mean time the contest had proceeded in the usual way in such controversies, with considerable embarrassment to all concerned. On May 28 an injunction was obtained from the Superior Court against "interfering with the plaintiff's business by persuading or attempting to persuade any one in the plaintiff's employment, or by obstructing or interfering with any person who is now or who may hereafter be in the plaintiff's employment, or who may desire to enter the same, as he is approaching or leaving the plaintiff's premises, or by intimidating or attempting to intimidate, physically or morally, by threats or otherwise, any such person, with a view to prevent him, or to prevent other persons from entering or continuing in such employment."

As might be expected, the order of the court brought to an end a wearisome controversy of four months' standing.

**BARBOUR STOCKWELL COMPANY—CAMBRIDGE.**

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On February 5 a controversy arose between the Barbour Stockwell Company of Cambridge and the iron moulders employed by the company. The workmen complained that they were expected to perform a difficult kind of work at the rates for regular work, which in their view of the matter was equivalent to a reduction of wages, and they were asked by the company to sign a written agreement concerning work and wages.

Inquiry was made by the Board, and a committee of the workmen invited to meet the Board and make a statement of their case. They responded so far as to call and inform the Board of the circumstances complained of, adding that the vice-president of their international union expected to meet the officers of the company sometime during the day for the purpose of effecting a settlement, if possible. If, however, no agreement should be reached,

they said that they would willingly place the matter in the hands of the State Board.

No settlement was effected. The Board was not called in; non-union men were hired, and the works have since been operated as usual.

**GREGORY, SHAW & CO.—FRAMINGHAM.**

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In the last annual report of the Board is an account of a strike or lockout in the factory of Gregory, Shaw & Co. at South Framingham, which at the time of making that report was still unsettled. Early in February, 1897, the advice of the Board was sought by the representatives of the former employees, and an attempt was made to have the strike declared off, or some action taken which would at least permit the workmen who desired to return, to do so without loss of their standing in the union. Several interviews were had with the representatives of the workmen. One interview with the firm was had, but no hope was held out that the attitude of the firm would be changed. A final report was made to the workmen, and on March 8 the Board was informed that the union had "declared the contest at an end."

**D. A. DONOVAN & CO.—LYNN.**

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On February 16, notice was received from the firm of D. A. Donovan & Co., of Lynn, shoe manufacturers, stating that a strike had occurred in their factory on the preceding day by reason of a difference about the wages to be paid to their cutters.

The Board promptly placed itself in communication with the parties interested, and on February 17, with the effective co-operation of the Hon. E. B. Hayes with the Board, the difficulty was adjusted by agreement, a copy of which was filed with the Board.

**JAMES PHELAN & SONS—LYNN.**

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On February 24 the Board having received notice of a strike in the factory of James Phelan & Sons, of Lynn, shoe manufacturers, on the part of the hand-sewers in their employ engaged upon “turned” work, separate interviews were had, and later, a conference between the firm and a committee of employees was had at the rooms of the Lynn Board of Trade, in the presence of a member of the State Board, and the secretary of the Lynn Board of Trade.

The offer then made by the firm was submitted on the following day to a meeting of the shop’s crew, and afterwards to the union; and after much discussion, and upon the assurance that some changes would be made for the greater convenience of the workmen, the offer was accepted and a settlement agreed to.



### HARNEY BROTHERS — LYNN.

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On February 24 notice was received of a strike of lasters and sole-fasteners employed by Harney Brothers of Lynn, shoe manufacturers. The next day the Board had communication with the parties. The firm expressed its willingness to leave the question to the State Board, or the local Board of Trade, or any fair tribunal.

At the suggestion of the State Board, committees of conference were appointed, but it was found to be necessary to call in the joint local council. Subsequently on the 26th a committee of the council was chosen, and met the firm at the rooms of the Board of Trade, in the presence of a member of the State Board and the secretary of the Board of Trade. The conference lasted till midnight, and all matters in dispute were adjusted, except one, which was satisfactorily arranged on the following day, and on March 1 all hands returned to work.



LYNN COAL DEALERS—LYNN.

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On March 26, 1897, the following decision was rendered:—

*In the matter of the joint application of the Coal Dealers of Lynn  
and the Coal Handlers of that city.*

PETITION FILED FEBRUARY 26, 1897.

HEARING, MARCH 3.

This case arises out of a demand on the part of the coal dealers of Lynn for a lower price to be paid for unloading coal at the wharves. There are six gangs of coal handlers in the city; and the Board is expected to award a price per ton, to be divided among the seven men who constitute the gang, and also a price per hour for extra wheelers.

After full hearing and discussion of the circumstances of the case, the Board recommends that the sum of twenty-two cents a ton be paid, and fifty cents an hour for extra wheeling.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted by all concerned.

**WILLIAMS, CLARK & CO.—LYNN.**

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On March 8 something like a general strike occurred in the factory of Williams, Clark & Co., of Lynn. The lasters, sole-fasteners, trimmers, heelers, beaters-out and edge-setters, or most of them, left their work. The grievance was the same as at the time of the application made to the Board in December, 1896, the report of which is included in this volume, the firm having done nothing to conform to the recommendations made by the Board. Communication was had with the agent of the lasters' union, who said that the matter was under the direction of the "joint council, No. 4;" and when the firm was advised of the Board's readiness to mediate, the reply was that they had no suggestions to offer.

A few days afterwards the striking employees were paid off, and attempts were made to procure new operatives in their places. On the 14th, the Board called upon the firm and found that a few new men had been hired.

The firm said that the main contention was in the lasting department, and that they were willing to pay as much for lasting as was paid by their competitors in Lynn, but that the lasters wanted a half cent more than their competitors were paying; that they would not recognize the union and would stand by the men whom they had hired since the strike; that they intended to run a "free shop" and had nothing to arbitrate.

On the 18th the joint local council voted to leave the matter to the State Board or any other board "which will equally represent both sides." The following letter was thereupon sent to the firm:—

Boston, March 22, 1897.

Messrs. WILLIAMS, CLARK & CO., *Lynn, Mass.*

GENTLEMEN:—This Board has received formal notice from the Lynn Local Joint Council No. 4, that that body voted on March 18, 1897:—

"That this Council leave the adjustment of the difficulty at Williams and Clark's to arbitration by any board which will equally represent both sides."

We deem it our duty to ask your attention to this action of the Council, and to say that although we understand that the Council would prefer to submit "the difficulty" in question to the State Board, we shall be glad to assist in settling the matter through a local board or committee, to be selected by the parties

directly involved, if for any reason such a course shall appear to be more agreeable to you.

Assuming that a settlement by some means is desired by all parties, we beg to express the hope that a settlement by some form of arbitration will not be prevented by any misunderstanding as to matters of detail, which misunderstanding, if there be any, might be removed by having a conference with this Board. It is unnecessary to say that we shall be glad to confer with you at any time you may desire.

The answer was, in effect, that the firm was not disposed to change their attitude, but in case there should be any change they would advise the Board.

No settlement was effected, and, on or about May 3, the strike was finally declared off.

**STRIKE OF GRANITE CUTTERS—BOSTON.**

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On March 1 a general strike occurred on the part of the granite cutters of Boston and vicinity. The agreement which had subsisted for about four years between the union on the one hand and the association of employers on the other hand, and was founded upon the decision of this Board rendered in the case of the Hallowell Granite Company on May 7, 1887, had come to an end, and the cutters desired certain material alterations to be made before the agreement should be renewed, viz.: that thirty-one cents per hour should be the minimum wages; that the clause as to no discrimination between union men and non-union men should be left out; that “a suspension of work on buildings in course of construction or undergoing repairs or alterations, at the request of the Building Trades Council of Boston and Vicinity, is not to be considered a violation of this agreement.”

On the second day of the strike the Board communicated with the representatives of the

granite cutters and obtained their views of the matters in controversy and, later in the same day, a committee of the workmen called upon the Board by appointment, and in reply to a question said that if the Board should see fit to arrange for a conference with the employers, they, the committee, would be willing to meet a committee of the employers. On the following day the Board sought and obtained an interview with Henry Murray, one of the employers who was understood to be president of the association. A conference was suggested to take place between the employers and the representatives of the union, in the presence of the State Board. Mr. Murray seemed not to favor the suggestion, but said that he would lay the matter before a meeting of his executive board which was to take place on the 5th.

Subsequently it was learned from Mr. Murray that he had reported the suggestion of conference to his board, and that it was not favorably received. The employers gradually obtained new workmen, and although the strike was continued, in form at least, throughout the month, nothing further occurred to attract the Board's attention to it. It was formally declared off on or about March 31.



**T. D. BARRY & CO.—BROCKTON.**

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At Brockton, on March 12, while the Board was hearing the case presented by T. D. Barry & Co. and the lasters employed by them, it was reported that the edgemakers and sole-fasteners employed in the same factory had gone out on a strike demanding to be paid by the piece instead of by the hour, as they were then paid. The firm promptly announced that they would give the strikers an opportunity to return to work at any time until and including the morning of the next day, and submit any grievance that they might have to the State Board, according to an agreement previously entered into between the firm and the joint local council, representing various unions. It appeared, however, that the sole-fasteners and edgemakers were no longer represented in the joint local council, having withdrawn therefrom at the time when the policy of arbitration was adopted. Subsequently on the same day the Board called on the representatives of the striking workmen. They insisted upon their demand for a piece price

and said that the strikers would not return until the demand was granted, but expressed themselves as willing to meet the firm in a conference with the State Board, if desired.

The firm then being called upon made an elaborate statement of the earnings in their factory, and a list of manufacturers in Brockton who paid their workmen by the day and by the piece respectively. The firm considered the position taken by the strikers to be a plain breach of the agreement made with the joint council which, at the date of the agreement certainly, represented the edgemakers and sole-fasteners, and as they persisted in refusing to return to work until their demands were granted, the firm said that there was no need of any assistance from the strikers, and anticipated no trouble in filling their places; they did not fear any extension of the strike, because they believed that all the other departments considered themselves bound by the agreement made with the firm by the joint council.

Under these circumstances, the Board had no further suggestions to make. The strikers went their way, the remaining employees, who thought they knew when they were well off, remained at work, and the places of those who had left were promptly filled.



**F. M. SHAW & SON—BROCKTON.**

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On March 10 a strike occurred in the sole-leather department of F. M. Shaw & Son, Brockton, and the Board being in that city on the 12th, called by request at the factory to learn the situation, and were informed at the office that the workmen in question had been employed in cutting lifts, in an outside shop, and complained that they had been given heavier stock to cut, and could not therefore earn so much as formerly.

The Board did not see any of the workmen, who were said to be nineteen Swedes and unable to speak English, and the firm made light of the affair, saying that in view of the condition of business it was not their intention or wish to continue that part of the work which had been done by the striking workmen.

Nothing further was heard of the occurrence.

**WHITMAN & KEITH — BROCKTON.**

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On March 19, having received notice of a lockout in the factory of Whitman & Keith at Brockton, the Board went to that city and called upon the firm at their factory. They said that on March 18 they had discharged all their employees because of an apprehension that the men were about to strike, although it was admitted that no formal demand had been made upon the firm. They had given notice to their former employees that the foremen of departments would be on hand at the factory on Saturday, March 20, for the purpose of meeting all applicants for work who felt competent and willing to act as individuals; that former prices would be maintained and former employees preferred. Arbitration was suggested but the proposal was not favorably entertained.

A breach between the Boot and Shoe Workers' Union on the one hand, and the Sole-fasteners' and Edge-makers' Union on the other, assisted the firm to employ again a good portion of

their old employees and the factory resumed operations on the 22d. A few days later, strikes were ordered by all the unions, and matters were worse than ever. The struggle with the unions continued for some time, occasionally former employees drifted back, and in process of time the controversy died out without any settlement.

**T. D. BARRY & CO.—BROCKTON.**

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On March 27 a joint application was received from T. D. Barry & Co., of Brockton, shoe manufacturers, and the treers employed by them, alleging a difference as to price to be paid for treeing.

Pursuant to notice given, the Board met at Brockton on April 16, at which time Mr. Barry of the firm appeared and presented a paper purporting to be signed by the treers then employed, or a majority of them, saying that they were "satisfied with the present prices paid for treeing, and are willing to work for those prices until July 1st, 1897." George H. Lord, who had signed the application as agent and in behalf of those employed at the date of the application, was present, and did not question the genuineness of the certificate presented by the firm; nor did he profess to represent a majority of the treers then at work in the factory in question. There appearing upon this statement of facts to be no difference to be adjusted by the Board, the application was dismissed.

**T. D. BARRY & CO.—BROCKTON.**

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On March 29 a joint application was received from T. D. Barry & Co., of Brockton, shoe manufacturers, and their employees in the finishing department, requesting the Board to act upon a new price list for finishing.

Pursuant to notice given, the Board met the parties for the purpose of a hearing, at Brockton, on April 16; but in view of the disposition previously made of the application of the treers, F. J. McSherry, who appeared as agent of the finishers, requested leave to withdraw the application. The firm agreed, and the application was accordingly dismissed.

### F. B. ABBOTT COMPANY—LYNN.

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On April 2 a joint application was received from the F. B. Abbott Company of Lynn, shoe manufacturers, alleging that the turned workmen had requested an increase of wages. A hearing was given on April 7, and on May 5 the following decision was rendered:—

*In the matter of the joint application of the F. B. Abbott Company, of Lynn, and its employees.*

PETITION FILED APRIL 2, 1897.

HEARING, APRIL 7.

In this case the Board is called upon to fix prices for making Goodyear turned Oxfords by teams of two men each. After due hearing and consideration of all the circumstances of the case, the Board recommends that the following prices be paid for such work in the factory of the F. B. Abbott Company at Lynn:—

	Per Pair.
Oxfords, sewed seat (plain toe, or hard tip, or patent calf tip), . . . . .	\$0.10
Oxfords, white tag, nailed seat (plain toe, or hard tip, or patent calf tip), . . . . .	.12
For pointed toes, extra, . . . . .	.02

By agreement of the parties, this decision is to take effect from April 1, 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted in good faith ; but soon after the announcement of the decision, a complaint was received from the workmen, alleging an error on the part of the Board. The expert assistants were thereupon called in, and after consultation they undertook at the request of the Board to try to accommodate matters without re-opening the case. Subsequently they reported that the company was willing to make some concession, and the Board heard nothing more from it.

The underlying difficulty in the case was that the company was attempting to make turned work in Lynn where, in comparison with Haverhill, very little of the kind of work in question was done. For this and other reasons the company did not make much work of this class in the year last past.



**SPRINGFIELD BREWERIES — SPRINGFIELD.**

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On April 14 a communication was received from the Mayor of Springfield containing notice of a strike which had occurred on the 13th on the part of men employed in the breweries of that city. It appeared by the morning papers that a settlement had been reached and upon communicating with the mayor it was learned that the report was correct, and the services of the Board were not required.



CHARLES W. DEAN — WAYLAND.

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On April 21 the Board was informed that a strike had occurred in the factory of Charles W. Dean at Cochituate. The employer was willing to leave the matter to the State Board, but the employees most directly involved preferred to have a local board of arbitration.

The Board invited the firm and representatives of the employees to meet the Board in conference. Such a meeting accordingly took place at the factory on April 23. It appeared that the employees of all departments were out, and that there was a difference as to the wages of treers. The employees, after a full discussion, still adhered to their preference for a local board. The State Board expressed its willingness to assist in forming a local board if the parties preferred it, but could not see how there could be any arbitration unless the employees returned to work. Then it appeared that the employees were unwilling to return to work until two objectionable persons should

be discharged. The employer firmly refused to discharge the persons referred to. At the suggestion of the State Board, Mr. Dean then waived his preference for the State Board and agreed to refer the matter to a local board, provided it should confine itself to questions of prices. The local committee agreed to lay the proposal before the shop's crew. Subsequently Mr. Dean informed the Board that objection had been withdrawn as to one of the persons objected to, but his proposal had been disagreed to. Thereupon he gave the Board formal notice of a strike; due notice thereof was given to the workmen. On April 27, another meeting of the shop's crew was held and it was voted to waive their demand for the discharge of the obnoxious employees and return to work on May 3; and on the 10th a joint application was received placing the matter in the hands of this Board. Subsequently, after hearing the parties, the following decision was rendered on July 11, 1897:—

*In the matter of the joint application of Charles W. Dean & Co., of Wayland (Cochituate), and the treers in their employ.*

PETITION FILED MAY 10, 1897.

HEARING, MAY 12.

The question presented in this case involves prices for treeing shoes by hand by either of two processes.

After hearing the parties interested, and pursuing the usual investigation through the means of expert assistants, the Board recommends that in the factory of Charles W. Dean & Co. at Cochituate, the following prices be paid:—

Treeing shoes by boot process:					Per Doz. Pairs.
Kip and split ties, men's,	.	.	.	.	\$0.27
Kip and split ties, boys',	.	.	.	.	.22
Treeing shoes by "stiff and bright process":					
Kip and split ties, men's,	.	.	.	.	.24
Kip and split ties, boys',	.	.	.	.	.20
Samples, to be treed by boot process:					
Grain, all kinds,	.	.	.	.	.30
Kip and split ties, men's,	.	.	.	.	.54
Kip and split ties, boys',	.	.	.	.	.44

The above prices are intended to cover extra sizes and edge-stitched shoes.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

*Result.*—The decision was accepted by all concerned.

**APSLEY RUBBER COMPANY—HUDSON.**

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On or about May 19 a reduced wage list was announced in the factory of the Apsley Rubber Company at Hudson. Objection was made by the employees, and after some discussion it was agreed by both sides to submit the prices to arbitration. On the 21st the employees by their agents filed an application with this Board in the usual form. No attempt was made at once to bring the application to the attention of the employer, for the reason that the applicants requested delay, in order that lists of the prices in question might be carefully prepared and verified by both sides. On May 28 the Board was requested by the employees to proceed, and communication being had with Mr. L. D. Apsley by telephone, he expressed to the Board his consent to join in the application and proceed with the case. On June 2, however, and before the company had signed anything in token of agreement to submit the case to arbitration, the situation was materially changed by reason of an

unwise act of the company. The 2d was pay-day, and when the employees received their envelopes, they found to their astonishment that, in addition to the reduction which had been announced, and to which they had decided to submit, pending arbitration, about thirty per cent. more had been withheld. The employees demanded the reason of this and were told that the additional thirty per cent. was withheld in anticipation of a decision which would establish prices even lower than the company's reduced list. This explanation, as may readily be believed, was not satisfactory, and for the greater part of a day the stitchers sat at their machines refusing to work until their money should be paid to them. Thereupon the company discharged all the employees and posted a price list under which it was announced that the factory would open on the following Monday. All who wished work were notified to apply at the office in person. Thus all attempts at a settlement by arbitration were wrecked, and the company declared its factory a "free shop."

On June 4, the day next after the lockout, the Board visited Hudson, met a committee of the employees, men and women, and having heard their statements, called on Mr. Apsley,

the president of the company, whose account of what had occurred was substantially the same as the Board had already received. A conference with the employees was recommended, but Mr. Apsley expressed himself as satisfied with what he had done, and thought it best for all concerned that he should adhere to the position already taken by him. He had, however, given directions that the operatives should be paid all their earnings in full.

In accordance with the notice given, the factory was reopened on June 14, under a price list prepared by the company and claimed to be higher than the highest paid by competitors. Many of the old employees acting under the influence and advice of this Board, returned and applied for work, in order to test the price list, especially as the president of the company assured them and also promised this Board that, if upon actual trial it should be ascertained that the employees could not earn fair wages, he would make such changes in their favor as might be necessary. In consequence of this assurance, and for other reasons, most of the employees returned to work, but on the very next day the Board was notified that the dissatisfaction was so great and was so



openly expressed that a strike might occur at any moment. Accordingly the Board visited the place again on the 16th, and had separate interviews with the president and the employees. The Board urged the employees to continue at work long enough at least to give the new wage list a fair trial, adding that nothing short of two or three weeks would afford such a test, and that they ought to be more patient, after having decided of their own free will to return to work under the assurances of their employer. It was, however, impossible to stem the tide, and two days afterwards the employees left work. New workmen, many of them unacquainted with the trade, were hired to fill the places of the former employees, who were persons of exceptional skill and large experience in the work. So far as the Board has been informed, no further attempts have been made at a settlement.

# JAMES PHELAN & SONS—LYNN.

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On July 28 the following decision was rendered concerning wages in the factory of James Phelan & Sons, Lynn:—

*In the matter of the joint application of James Phelan & Sons, of Lynn, and their employees.*

PETITION FILED JUNE 30, 1897.

HEARING, JULY 2.

This application presents the question of wages to be paid for lasting and re-lasting women's turned Oxfords, two men working together as a team.

After full consideration, the Board recommends that the following prices be paid in the factory of James Phelan & Sons, at Lynn:—

	Per Pair.
Sewed heel seats, round toes, . . . . .	\$0.10
Sewed heel-seats, razor toes, . . . . .	.12
Nailed heel-seats, round toes, . . . . .	.12
Nailed heel-seats, razor toes, . . . . .	.14

By agreement of the parties, this decision is to take effect to-day, and to remain in force until June 1, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted by all concerned.



THE S. H. HOWE SHOE COMPANY — MARLBOROUGH.

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On or about June 1 a general reduction of wages was proposed in the several shoe factories in Marlborough owned by the S. H. Howe Shoe Company. After conferring with the employees through their representatives, a reduction of five per cent. was agreed to for a stated time, that is until May 1, 1898, but after much discussion, eleven items in the stitching and bottoming departments still remained unsettled. And in accordance with the custom which has for years prevailed in Marlborough, both parties finding that they could not agree upon the prices, agreed to leave the matter to the decision of the State Board.

On September 15, the following decision was rendered : —

*In the matter of the joint application of the S. H. Howe Shoe Company, of Marlborough, and its employees.*

PETITION FILED JULY 14, 1897.

HEARING JULY 19.

In this case certain items have been submitted to the Board by agreement of the parties. After careful consideration, the Board recommends that the follow-

ing prices be paid, as per agreement of the parties in the four factories of the S. H. Howe Shoe Company, in Marlborough, to take effect from June 1, 1897:—

	Per 12 Pairs.
McKay sewing, men's, . . . . .	\$0.08½
McKay sewing, boys' and youths', . . . . .	.08
Pegging, Davy machine, one row on last, women's and misses', . . . . .	.04½
Pegging, two rows, pegged toe, horn pegger, women's and misses', . . . . .	.05½
Pegging on last, two rows, children's, . . . . .	.05
Pegging, two rows, pegged toe, half double sole or tap, horn pegger, men's, . . . . .	.07½
Pegging, two rows, pegged toe, half double sole or tap, horn pegger, boys', . . . . .	.06½
Stitching creole gores, unlined, two rows, Wheeler & Wilson machine, . . . . .	.12
Stitching creole gores, lined, two rows, Wheeler & Wilson machine, . . . . .	.21
Stitching congress gores without V, . . . . .	.17
Vamping, flat, two rows, Singer machine, men's, boys' and youths', . . . . .	.09½
Vamping, flat, three rows, Union Special machine, men's, boys' and youths', . . . . .	.09½
Vamping, flat, three rows, waxed, Merrick machine, men's, boys' and youths', . . . . .	.09½
Vamping, two rows, waxed, Merrick machine, two-needle, men's, boys' and youths', . . . . .	.09
Trimming front and stitching top, No. 8 circular seam, one-needle Wheeler & Wilson, women's, misses' and children's, . . . . .	.09
Trimming front and cording top, Wheeler & Wilson or Singer machine, one-needle, men's, boys' and youths' . . . . .	.06
Closing on turned tops, Bals, one-needle Wilcox & Gibbs or Singer machine, chain stitch, men's, boys' and youths', . . . . .	.03

Per 12 Pairs.

Trimming heels, regular, Union machine, men's, boys'	
and youths', . . . . .	\$0.03 $\frac{1}{3}$
Trimming heels, enamel or vici, Union machine, men's,	
boys' and youths', . . . . .	.03 $\frac{2}{3}$

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted by all concerned.

**HARNEY BROTHERS—LYNN.**

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On July 22 occurred a strike of the cutters employed by Harney Brothers of Lynn, shoe manufacturers. Two days afterwards the Board opened communication with both sides to the dispute, which arose out of a reduction in the price list for cutting. It was ascertained that the firm would consent to submit the question of wages to the State Board and re-instate the strikers, pending arbitration. On the 26th, the executive board of the Knights of Labor voted to join in an application to the State Board and permit all the men to return to work who wished to do so, but stipulating that they should return under the former prices and not under the reduced scale, pending arbitration. The firm being advised of this action, adhered to its original position, but said they would not agree to pay former prices pending a decision. The next day the situation was made more difficult by a vote of the shop's crew, to the effect that they should not only

insist upon the former prices, pending arbitration, but should object to going to work with men who had been hired by the firm since the beginning of the strike. The firm being informed by the State Board of the condition of affairs, said that on the whole they were as well satisfied to let matters stay as they were; that they had succeeded beyond their expectation in obtaining a sufficient number of new cutters; that they no longer desired the return of the strikers; that they would not treat with or recognize the union in any way, and requested the State Board to take no further action in the matter.

Subsequently, however, the matter was settled on or about August 16, under an agreement fixing the wages, and providing that the men who had been hired during the strike should be retained and all of the old employees who wished to return to work were to be re-instated.

**C. F. DRISCOLL — HOLLISTON.**

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A joint application was received on August 25 from C. F. Driscoll, of Holliston, shoe manufacturer, and his employees, relating to wages. The case was assigned for a hearing on August 30, and the parties notified accordingly. But on the 28th a letter was received from John F. Tobin, representing the employees, stating that nearly all the items in dispute had been settled by agreement, and suggesting that further time be allowed to enable the parties to come to an agreement concerning what was left. Accordingly, with the approval of the employer, the hearing was postponed, subject to the action of either party.

Subsequently, on September 27, Mr. Tobin informed the Board that all the items, except the lasting, had been settled, but that it would be necessary for the Board to settle that part of the controversy.

A hearing was accordingly had at Holliston on October 28, and five days later the following decision was rendered: —

*In the matter of the joint application of C. F. Driscoll, of  
Holliston, and his employees.*

PETITION FILED AUG. 25, 1897.

HEARING, OCT. 8, 1897.

Since the filing of the application in this case, the parties concerned have settled by agreement all the differences between them, except the price for lasting boys' split boots.

Having duly considered this matter, the Board recommends that the sum of forty-one and one-half cents per dozen pairs be paid in the factory in question for lasting boys' boots by hand.

By agreement of the parties this decision is to take effect from the twentieth day of August, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

*Result.* — The decision was accepted by all parties concerned.



**B. H. SPAULDING — MILFORD.**

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On August 24 the State Board received notice that on the day next preceding a strike had occurred in the factory of B. H. Spaulding, of Milford, manufacturer of straw goods. The point at issue was a proposed reduction of wages for sewing straw braid of different kinds and qualities. After a conference between the employer and employees, all agreed that work should be resumed and the dispute left to the decision of the State Board. A formal application was made and signed, and a hearing was had at the factory on August 31. Subsequently on September 29 the following decision was rendered:—

*In the matter of the joint application of B. H. Spaulding, of Milford, and his employees.*

PETITION FILED AUG. 25, 1897.

HEARING, AUG. 31, 1897.

In this case the Board is requested to pass upon a proposed reduction in the wages for sewing braids for straw hats.

After careful consideration, the Board recommends that the following prices be paid in the factory of B. H. Spaulding, at Milford:—



## SEWING BRAIDS, MEN'S HATS.

Hankow, Eastern, Shansi, Shinki, Poo, Tien-Tsin, or other  
similar braids:

Per Dozen.

10 to 12 millimetres, . . . . .	\$0.27
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8 to 9 millimetres, . . . . .	.34
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8 to 8½ millimetres, . . . . .	.37½
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7 to 8 millimetres, . . . . .	.45
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6½ to 7 millimetres, . . . . .	.48
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5 to 6 millimetres, . . . . .	.95
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China Sennit, . . . . .	.30
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Seven-end split:

9 to 10 millimetres, double brim, . . . . .	.53
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8 millimetres, double brim, . . . . .	.86
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7 millimetres, double brim, . . . . .	1.08
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9 to 10 millimetres, single brim, . . . . .	.33½
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Combinations, row and row, when same grades are used  
for men's, boys' and children's, no extra.

Combinations, when one or more laps occur, for each lap,  
extra, one and one-half cents.

Combinations, men's and boys', when ventilators are used,  
extra, . . . . .

.03

Jap Mackinaw braids:

12 millimetres, . . . . .	.25
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11 millimetres, . . . . .	.27
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10 millimetres, . . . . .	.30
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8 to 9 millimetres, . . . . .	.33
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## SEWING BOYS' HATS.

Three cents per dozen less than for men's.

## SEWING CHILDREN'S HATS.

Same prices to be paid as heretofore, but by the dozen.

By agreement of the parties, this decision is to take effect from this date and continue in force for the term of one year.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

*Result.* — The decision was accepted by all concerned.

GEORGE G. SNOW — BROCKTON.

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On August 19 a strike occurred on the part of the lasters employed by George G. Snow, of Brockton, shoe manufacturer. The point at issue was a reduction in wages. On the 25th the State Board visited the city and conferred with both sides. It was learned that the employer had made an agreement for one year with the Consolidated Hand-Method Lasting Machine Company to do his Goodyear lasting, and that he had nothing to arbitrate with his workmen. The agent of the lasters said that he understood that such an agreement had been entered into, that he and those whom he represented were disposed to treat Mr. Snow fairly, and would consent, if necessary, to come to the State Board.

The machine company then undertook to effect a settlement of wages with the union, but the lasters refused to negotiate with the

company, saying that their difference was with Mr. Snow.

The Board exerted all its influence in recommending arbitration in some form, and on September 2 a settlement was effected by agreement of the parties.

**STAR BREWING COMPANY—BOSTON.**

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On August 31 an application was received from the Star Brewing Company, of Boston, stating as the cause of dispute the fact that a certain man employed as a driver, had been discharged, as the company alleged, for good and sufficient reasons. Upon inquiry into the circumstances it was learned that the driver in question had been discharged for serious misconduct, and when discharged, the union had demanded that the matter be submitted to arbitration under a standing agreement between the company and its employees. When asked to name arbitrators, the unions named two officers of unions of brewery employees. The general manager under protest accepted the names and submitted two names on his own part. The proceedings lagged, and a demand was made that the discharged man be re-instated with back pay. This was refused. More conferences followed, and at last some changes having been made in the composition

of the arbitration committee chosen by the parties, the committee met, chose an umpire, and proceeded to hear the facts of the case. When it came to a vote two of the committee voted one way and two the other. The umpire declined to vote. It was then unanimously agreed to leave the case to the State Board. An application was made out and signed by the general manager of the company, and filed with the Board August 31. After repeated attempts to obtain the signature of some one representing the unions, a telephone message was received from the secretary of the union to the effect that they did not care to pursue the controversy further. The application was accordingly dismissed.

**J. F. DESMOND SHOE COMPANY—MARLBOROUGH.**

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A joint application was received on October 1 from the J. F. Desmond Shoe Company, of Marlborough, and its employees, relating to wages paid for trimming heels, edge-setting and treeing.

A hearing was had at Marlborough on October 6, and after all parties had been fully heard, the Board succeeded in bringing the parties to an agreement.



**STEAMFITTERS' HELPERS — BOSTON.**

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On October 13, the Board received a call from a committee representing the journeymen steamfitters and steamfitters' helpers, of Boston, who complained that Lynch & Woodward, members of the master steamfitters' association of Boston, and as such bound by the agreement made on October 24, 1895 between the association and the journeymen steamfitters, had failed to observe that part of the agreement which stipulated that preference should be given to members of the union, when of equal skill and capacity.

As the agreement referred to expressly provided that all differences should be referred, in the first instance, to an arbitration committee, and in case of failure to agree, to the State Board, this Board undertook to bring the matter to the attention of the association, with a view to a conference between committees of the association and union respectively. The President of the association, upon receiv-

ing notice from this Board, said that when he should have received from the union a written statement of the matter complained of, he would call a meeting of the association to consider the matter. The agent of the union was accordingly notified by the Board and advised to prepare and present such a statement to the president of the association. Subsequently the Board was informed that a meeting of the association had been called for October 27.

Committees were appointed by the respective organizations and the proposed changes considered. The committees reported back, but before any conclusion was reached the matter was taken up and indirectly disposed of by the Superior Court.

**EDISON ELECTRIC ILLUMINATING COMPANY—  
BOSTON.**

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BOSTON, JAN. 31, 1898.

*In the matter of the application of the firemen employed by  
the Edison Electric Illuminating Company of Boston.*

PETITION FILED JAN. 7, 1898.

HEARING, JAN. 21.

The application in this case is signed by Michael Murphy as “authorized agent of legally qualified firemen” employed by the Edison Electric Illuminating Company at its three stations in Boston; and the Board having been satisfied that he was authorized to represent a majority of the employees of the company in the department in question, after communicating with the company informally, as a board of conciliation, gave the usual public notices of a meeting at which all persons interested might appear and be heard upon the subject matter of the application.

At the time and place appointed several of the firemen employed by the company, and many other firemen and engineers more or less directly interested appeared and addressed the Board. The company did not appear or take any part in the proceedings, although duly notified by this Board at every stage of the case. This is, therefore, an arbitration proceeding in which one party only is before the Board, and no one is legally bound by the result, although it is due to the workmen to say that they offered to submit the dis-

puted matters to the judgment of this Board and abide the result. It is, however, an application which the employees had a legal right to present. There has been no strike, nor so far as appears any threats of a strike; and since this method of proceeding has been instituted by law to prevent strikes and lockouts, and since in this particular case it has been resorted to in preference to a strike, intelligently and with much self-control on the part of the employees, and their representatives, it was not unnaturally hoped and expected that the corporation would consent to join in the proceeding in the form contemplated by law for the amicable settlement of differences between employers and employees. The grievances set forth in the application and presented at the hearing are as follows:—

1. That employees of said company are deprived of their right to belong to a trade union.

2. That employees known to officials in the employ of said company to belong to a trade union, are unfairly treated with a view to causing them to withdraw from a trade union.

3. That employees are deprived of their right to select counsel of their own choice to present their grievances to the management of said company.

4. That when, at the suggestion of those in authority over them, employees of said company have sought redress of their grievances, their complaints have been ignored and not remedied.

5. That when, by conciliation, an effort was made by the employees of said company through a committee chosen by them to have certain grievances redressed, said committee (composed of employees of the said company exclusively)

was given to understand that they had incurred the enmity of the management of said company, and one of the members of said committee of employees was summarily removed to a less desirous position than he was filling up to the time of serving on said committee, and to a different station where he was less acquainted with the work.

6. That the hours of labor are too long, being two hours per day longer than is required of firemen in other and less difficult steam plants.

7. That wages are not as high as the amount of service demands, even with a reduction of the length of the working day.

8. That men are required to report at unreasonable hours for duty.

At this stage of the proceedings, a public hearing having been given, and such communication as was practicable having been had with the corporation through its general counsel, it becomes the duty of this Board, in the language of the statute, to "advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof." It may be added that in the performance of this duty the Board desires not to condemn any one, or to assign any measure of blame, as is provided in cases where a strike or lockout has occurred. In this case the relation of employer and employee still subsists, except as to two men recently discharged, and whatever suggestions may be offered by this Board, must, in the intent of the law, and properly so, be confined to such suggestions by way of advice, as shall tend "to adjust said dispute," and not to embitter it.



In this view of its legal duty, it appears to the Board that the first five grievances stated in the application arise out of the present unsatisfactory relations between the company and the firemen, and from the want of any understanding or agreement as to the mode of hearing and settling complaints when they arise on the part of the workmen. This company, for reasons best known to its officers, has refused to recognize committees of the union to which its firemen belonged; and when after such failure to obtain a hearing a committee of the employees themselves were met by the officers of the company, and stated their complaints of the difficulty of their work, the length of the daily watch and the unseasonable hours at which they were required to begin and to leave off work, the refusal to make any change and the tardiness of the response were not calculated to allay the discontent. From what we have learned in this case, we have no reason to believe that the result would have been different if the regular agents of the union had been admitted and dealt with as recognized representatives of the employees. We are now speaking merely of the lack of any established means for hearing and determining the reasonableness or unreasonableness of such complaints, and the Board earnestly recommends this subject as worthy of thoughtful consideration both by the employer and employees.

The last three specifications in the application express in brief the complaints of the firemen concerning the hours of labor, that is, that their watches or shifts are longer than is required of other firemen, and that some men are required to report for work at unseasonable times. We find that outside of the electric lighting

companies the very general rule among engineers and firemen is to work but eight hours at a shift when all-night work is required as well as work by day; that sometimes when power is needed for twelve hours only, the men are on duty for the full twelve hours, and are allowed extra compensation for all work done after a certain limited time, and this arrangement is acceptable to all concerned. The nature of the business of electric lighting companies requires the constant attendance of engineers and firemen throughout the twenty-four hours, and successive relays of men must report for duty at certain specified times in the day and night, work through their watch, and give place to others who come to their relief.

With the Edison Company the length of the watch or day's work is ten hours each day for seven days in the week, except an occasional half day on Sunday. There is no extra pay for overtime work, but if a man should be sick, the company allows him a "sick benefit," that is, he is allowed thirty-one days during the year for sickness, without abatement of wages. Some vacations are also allowed in consideration of the hard work and the practically continuous employment. The firemen say that they would willingly dispense with the present sick benefits if a more suitable division of the time could be devised. This, in the opinion of the Board, was a proper matter for them to bring up for discussion with their employer; and after making all due allowance for possible exaggeration, this Board is of the opinion that justice and a proper regard for the welfare of the employees call for a re-arrangement of hours so that at least no fireman shall be required to



work continuously a longer time than is required of other firemen who work for electric lighting companies in Boston. This would naturally involve a reconsideration of the scale of wages, but we are assured that if the reasonable wishes of the workmen shall be met in the matter of hours, there will be no difficulty in fairly adjusting the wages. The Board therefore recommends and advises that a suitable re-arrangement of hours be made, and that the wages be fairly adjusted to the new conditions, without any allowance for sick benefits or for vacations with pay, unless the other workmen see fit to do the work of the one who may be absent.

These suggestions are made in the belief that the adoption of them, in a reasonable spirit on both sides, will be a decided benefit to the management and to the workmen employed, and will place them on the same footing as other employers and employees in Boston engaged in similar business.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The Board has been informed by the agent of the firemen that something was done by the company to mitigate the conditions under which the firemen work.

**C. W. VARNEY & CO.—LYNN.**

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On November 22, upwards of twenty lasters employed by C. W. Varney & Co., of Lynn, shoe manufacturers, struck against a reduction of wages, as they alleged. On the day next following, the Board sought and obtained interviews with the firm and with the workmen. The firm denied that there was in reality any reduction proposed, but said that the intention was to produce a lower grade of goods at a lower rate of wages, which, it was expected, would result in constant employment for the workmen. If the strikers should not return, an intention was expressed of procuring new workmen in their places. The strikers insisted that the reduction affected grades of work which were then being produced and had been produced in the past; and the Board recommended that they send a committee to see the firm and endeavor first to make sure of the facts, and then try to arrange the matters that might be in dispute. Subsequently a committee called upon the firm, but no settlement was then reached or at any time afterwards.

## JOHN A. FRYE—MARLBOROUGH.

BOSTON, JAN. 19, 1898.

*In the matter of the joint application of John A. Frye, of  
Marlborough, and the sanders in his employ.*

PETITION FILED DEC. 3, 1897.

HEARING, DEC. 6.

The question at issue under this application is on a reduction of wages proposed by the employer and temporarily imposed pending arbitration.

After due consideration, the Board recommends that the following prices be paid for sanding bottoms in the factory of John A. Frye, of Marlborough:—

	Per 12 Pairs.
Men's boots, . . . . .	\$0.08 $\frac{1}{2}$
Boys' boots, . . . . .	.07 $\frac{1}{2}$
Youths' boots, . . . . .	.06 $\frac{1}{3}$
Children's boots, . . . . .	.05 $\frac{7}{10}$
Men's shoes, . . . . .	.07 $\frac{1}{4}$
Boys' and youths' shoes, . . . . .	.05 $\frac{2}{3}$

By agreement of the parties, this decision is to take effect from the first day of November, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted by all concerned.

## WHITCOMB &amp; PAINE COMPANY — HOLBROOK.

BOSTON, JAN. 10, 1898.

*In the matter of the joint application of the Whitcomb & Paine Company, of Holbrook, and its employees.*

PETITION FILED DEC. 6, 1897.

HEARING, DEC. 13.

In this case the Board is requested to decide upon wages to be paid for the work of lasting men's shoes on the McKay and Copeland lasting machine for the work as now done in the factory of the Whitcomb & Paine Company at Holbrook. The grade consists of pegged and standard screw work, grain, split, and kangaroo calf.

After due consideration, the Board recommends that the following prices be paid:—

	Per Dozen.
For plain toes, as now done, . . . . .	\$0.33
For cap toes, as now done, . . . . .	.41

The above prices to be equally divided between one operator and one puller-over.

By agreement of the parties, this decision is to take effect from July 4, 1897, and it may be proper to add that consequently by the terms of the statute the parties are not bound to apply the decision to any work done since Jan. 4, 1898, except by agreement or acquiescence of those interested.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.* — The decision was accepted by all concerned.

## GUYER HAT COMPANY—BOSTON.

BOSTON, JAN. 22, 1898.

*In the matter of the joint application of The Guyer Hat Company, of Boston, and its employees.*

PETITION FILED DEC. 17, 1897.

HEARING, DEC. 20, 21.

The questions presented in this case for decision relate to the wages of men employed in sizing fur felt hats. After due consideration the Board recommends that the following prices be paid for the work as now done in the factory of The Guyer Hat Company, Boston:—

	Per Hat.
First sizing, B hats, . . . . .	\$0.12
Second sizing, Cassimere hats, . . . . .	.05
Second sizing, B hats, $\frac{3}{4}$ inch in depth and $\frac{1}{2}$ inch in width, . . . . .	.03
All exceeding the above measurements, . . . . .	.04
Second sizing, X hats, 1 inch in depth and $\frac{3}{4}$ inch in width, . . . . .	.04
All exceeding the above measurements, . . . . .	.05

All hats to be rounded before second sizing.

By agreement of the parties this decision takes effect from this date and is to remain in force until May 1, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

*Result.*—The decision was accepted by all concerned.

The foregoing annual report is respectfully submitted.

CHARLES H. WALCOTT,  
RICHARD P. BARRY,  
CHARLES DANA PALMER,

*State Board of Arbitration and Conciliation.*

BOSTON, February 21, 1898.

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# APPENDIX.

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## APPENDIX.

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Twenty-four states in the union have made constitutional or statutory provision for mediation of one kind or another in the settlement of industrial disputes. Of these the statutes of the following sixteen contemplate the administration of conciliation and arbitration laws through permanent state boards : Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Utah, Indiana, Idaho and Colorado.

The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

The laws of Iowa, Kansas, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration ; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state ; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case ; but if either party refuse to submit to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration, and, as in North Dakota, to mediate between employer and

employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lockout. In Nebraska it is the duty of such officer to examine into the causes of strikes and lockouts.

### MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, "An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269; St. 1888, chapter 261; and St. 1890, chapter 385; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however*, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of

said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after

the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.\* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

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\* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.



SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this

act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven



be paid five dollars a day each for each day of actual service ; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth ; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

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[ST. 1892, CHAPTER 382.]

**An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.**

*Be it enacted, etc., as follows :*

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECT. 2. This act shall take effect upon its passage. [*Approved June 15, 1892.*]

## NEW YORK.

The state board established in 1886 now acts under the Labor Law of 1897, a revision and consolidation of previous enactments.

[CHAPTER 415.]

An Act in relation to labor, constituting chapter thirty-two of the general laws. [*Became a law May 13, 1897, with the approval of the Governor. Passed, a majority being present.*]

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

## CHAPTER XXXII. OF THE GENERAL LAWS.

## THE LABOR LAW.

- Article I. General provisions (§§1-20).
- II. Commissioner of labor statistics (§§ 30-32).
- III. Public employment bureau (§§ 40-44).
- IV. Convict-made goods and duties of commissioner of labor statistics relative thereto (§§ 50-54).
- V. Factory inspector, assistant and deputies (§§ 60-70).
- VI. Factories (§§ 70-91).
- VII. Tenement-made articles (§§ 100-104).
- VIII. Bakery and confectionery establishments (§§ 110-115).
- IX. Mines and their inspection (§§ 120-129).
- X. State board of mediation and arbitration (§§ 140-149).
- XI. Employment of women and children in mercantile establishments (§§ 160-173).
- XII. Examination and registration of horseshoers (§§ 180-184).
- XIII. Laws repealed ; when to take effect (§§ 190-191).

## ARTICLE X — STATE BOARD OF MEDIATION AND ARBITRATION.

- Section 140. Organization of board.
- 141. Secretary and his duties.
- 142. Arbitration by the board.
- 143. Mediation in case of strike or lock-out.
- 144. Decisions of board.
- 145. Annual report.
- 146. Submission of controversies to local arbitrators.
- 147. Consent ; oath ; powers of arbitrators.
- 148. Decision of arbitrators.
- 149. Appeals.

**SECTION 140. Organization of board.**—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

§ 141. **Secretary and his duties.**—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

§ 142. **Arbitration by the board.**—A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination

of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.** — Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor, by mediation, to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.** — Within ten days after the completion of every examination or investigation authorized by this article, the board or majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.** — The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

§ 146. **Submission of controversies to local arbitrators.** — A grievance or dispute between an employer and his employes may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employes concerned are members in good standing of a labor organization, which is represented by one or more delegates in

a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employes concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employes are not members of a labor organization, a majority thereof, at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.**— Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**— The board shall, within ten days after the close of the hearing, render a written decision, signed by them, giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose, and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**— The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators, and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose, and dupli-



cate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

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### MONTANA.

There was a law in Montana, approved February 28, 1887, entitled "An Act to provide for a territorial board of arbitration for the settlement of differences between employers and employees." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

#### THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes

of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the state) and his employes, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been



given as aforesaid, each of the parties to the controversy, the employer on one side, and the employes interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to

the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days\* for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [§ 3337. *Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.

## MICHIGAN.

[Public Acts, 1889, No. 238.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State court of mediation and arbitration.

SECTION 1. *The people of the State of Michigan enact*, That whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful to submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.

SEC. 2. After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State court of mediation and arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.



SEC. 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

SEC. 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to said State court, and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

SEC. 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

SEC. 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest route in getting to and returning from the place where attendance is required by the court, to be allowed by the board of State auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

SEC. 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation, as may seem to them conducive to harmonizing the relations of, and disputes between, employers and the wage-earning.

SEC. 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to exceed twelve hundred dollars, without per diem, per year, payable in the same manner.

SEC. 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last named terms was expressed in each place. [*Approved July 3, 1889.*]

## CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employés, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employés, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however,* that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employés, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision



thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employés in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employés by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employ s shall have the right at any time to submit to the Board complaints of grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the

expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

SEC. 8. This Act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

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### NEW JERSEY.

**An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbitrators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitra-

tors for said board, and the said board shall be organized as hereinbefore provided.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them, giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken

therefrom as hereinafter provided ; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years ; one of said persons shall be selected from a bona fide labor organization of this state. If any vacancy happens, by resignation or otherwise, the governor shall, in the same manner, appoint an arbitrator for the residue of the term ; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe ; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this state ; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same ; an office shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.



7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the

production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employees, and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state

board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term “employer” or “employers” is used in this act it shall be held to include “firm,” “joint stock association,” “company,” “corporation,” or “individual and individuals,” as fully as if each of said terms was expressed in each place.

15. *And be it enacted*, That this act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

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**A Supplement to an act entitled “An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration,” approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. *And be it enacted*, That the term of office of the arbitra-



tors now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

5. *And be it enacted*, That this act shall take effect immediately. [*Approved March 25, 1895. P. L., Chap. 341.*]

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## OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 21, 1894, and April 27, 1896, is as follows: —

**An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed Feb. 10, 1885.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That within thirty days after the passage of this act, the governor of the state, with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer (whether an individual, copartnership or corporation) and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpœnaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so co-operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and examine them under oath touching such matters, and to require

the production of books or papers containing the record of wages earned or paid. Subpœnas may be signed and oaths administered by any member of the board. A subpœna or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.



SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employes involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employes, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employes.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each wit-

ness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled “An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employes,” of the Revised Statutes of the state, passed February 10, 1895, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

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## LOUISIANA.

[No. 139.]

**An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employees.**

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner herein-

after provided. Two of them shall be employers, selected or recommended by some association or Board representing employers of labor; two of them shall be employees, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

SEC. 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

SEC. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make



out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. Said application for arbitration and conciliation to said Board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board, if it shall be made within ten days of the date of filing said application.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

SEC. 9. The Board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the pro-

duction of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the right to compel the attendance of witnesses or the production of papers.

SEC. 10. Whenever it is made to appear to the Mayor of a city or the judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or judge of the District Court of such parish shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board, either by the notice of the Mayor of a city or the judge of the District Court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. It shall be the duty of the State Board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this act.

SEC. 12. The said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as

may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. The members of said State Board of Arbitration and conciliation, hereby created, shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall quarterly certify the amount due each member, and, on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

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## WISCONSIN.

[CHAPTER 364.]

**An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employees.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the

United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employes, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lockout or strike until the decision of said board; provided, however, that said board shall render its decision within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the



application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employes by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators

so designated may choose a third, who shall be chairman of such local board ; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its decision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employers and employes, and endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and

publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the performance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. This act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

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## MINNESOTA.

[Chapter 170.]

**An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.**

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor, by and with like advice and consent, shall appoint said board, who shall be constituted as follows; One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe,



or an employer of skilled labor ; *provided* — however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as president and another as secretary, and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writing to represent such employes,

but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

SEC. 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what

is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the state, involving an employer and his or its present or past employes, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and conciliation, as hereinafter provided, or to said state board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employes or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent

or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the state board.

SEC. 10. Each member of said State board shall receive as compensation five (\$5) dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

SEC. 11. The said board, in their biennial reports to the legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved April 25, 1895.*]

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## CONNECTICUT.

[CHAPTER CCXXXIX.]

### **An Act creating a State Board of Mediation and Arbitration.**

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

SECTION 1. During each biennial session of the general assembly, the governor shall, with the advice and consent of



the senate, appoint a state board of mediation and arbitration, to consist of three competent persons, each of whom shall hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor of this state, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for governor of this state, and the other of said persons shall be selected from a *bona fide* labor organization of this state. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpoenas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

SEC. 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to the state board of mediation and arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; *provided*, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, and the production of books and papers.

SEC. 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

SEC. 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

SEC. 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

SEC. 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the comptroller, approved by the governor.

SEC. 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]



## ILLINOIS.

[SPECIAL SESSION.]

An Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employes, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years, or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of

items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or a bill in equity, exists between an employer, whether an individual, co-partnership or corporation, employing not less than twenty-five persons, and his employés in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employés in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board shall have the power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of

books containing the record of wages paid. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage. [*Approved August 2, 1895.*]

## UTAH.

## [CHAPTER LXII.]

**An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.**

*Be it enacted by the Legislature of the State of Utah :*

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the appointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employes, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who



may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

“SEC. 7. The board shall have the power to summon as witnesses by subpœna any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpœna the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter

in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon as may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any employer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]



## INDIANA.

## [CHAPTER LXXXVIII.]

An Act providing for the creation of a Labor Commission, and defining its duties and powers, and providing for arbitrations and investigations of labor troubles. *Approved March 4, 1897.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and is hereby, created a commission to be composed of two electors of the State, which shall be designated the Labor Commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for two years and until their successors shall have been appointed and qualified. One of said Commissioners shall have been for not less than ten years of his life an employe for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest. The other of said Commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said Commissioners shall be less than forty years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall be appointed. Each of said Commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such Commissioner.

SEC. 3. Said Commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a Secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and his

traveling expenses for every day spent by him in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said Commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State affecting the labor or employment of fifty persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the Labor Commissioners and the Judge of the Circuit Court, of the county in which the business in relation to which the controversy shall arise, shall have been carried on shall constitute a Board of Arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employes in the arbitration agreement. If the parties to the controversy are a railroad company and employes of the company engaged in the running of trains, any terminal within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the Judge of the Circuit Court to act as a member of the Board of Arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and theretofore in control or management of the business or department of business in relation to which the controversy shall have arisen shall bind the employer. On the part of the employes, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee

by them appointed. Such committee may be created by election at a meeting of the employes concerned in the controversy at which not less than two-thirds of all such employes shall be present, which election and the fact of the presence of the required number of employes at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employes concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employes represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the Labor Commissioners under the provisions of this act, one of said Commissioners shall be present and the other absent, the Judge of the Circuit Court of the county in which the dispute shall have arisen, as defined in section 5, shall upon the application of the Commissioners present, appoint a Commissioner *pro tem.* in the place of the absent Commissioner, and such Commissioner *pro tem.* shall exercise all the powers of a Commissioner under this act until the termination of the duties of the Commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other Commissioners. Such Commissioner *pro tem.* shall represent and be affiliated with the same interests as the absent Commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the Circuit Court, or such other place as shall be provided by the County Commissioners of the county in which the hearing is had. The Circuit Judge shall be the presiding member of the Board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily, directed to the Sheriff of the county, whose duty it shall be to serve the same without

delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the Circuit Courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the Board summarily and without extended argument. The sittings shall be open and public, or with closed doors, as the Board shall direct. If five members are sitting as such Board three members of the Board agreeing shall have power to make an award, otherwise, two. The Secretary of the Commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the Commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the Clerk of the Circuit Court of the county in which the hearing was had, and deliver a copy of the award to the employer, and a copy to the first signer of the arbitration agreement on the part of the employes. A copy of all the papers shall also be preserved in the office of the Commission at Indianapolis.

SEC. 10. The Clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the Judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the Court or Judge thereof in vacation shall grant a rule against the party or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the Sheriff as other process. Upon return made to the rule the Judge or Court if in session, shall hear and determine the questions presented and make such order or orders directed to the parties before him *in personam*, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be pun-



ished accordingly. But such punishment shall not extend to imprisonment except in case of wilful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employes who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The Labor Commission, with the advice and assistance of the Attorney-General of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employes, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the Labor Commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided, a Board of Arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a Judge of the Circuit Court as a member of an Arbitration Board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other Circuit Judge, or Judge of a Superior or the Appellate or Supreme Court to sit in the Circuit Court in his place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to Judges appointed to sit in case of change of Judge in civil actions. In case the Judge of the Circuit Court, whose duty it shall become under this act to sit upon any Board of Arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and

injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such Judge to call in and appoint some other Circuit Judge, or some Judge of a Superior Court, or the Appellate or Supreme Court, to sit upon such Board of Arbitrators, and such appointed Judge shall have the same power and perform the same duties as member of the Board of Arbitration as are by this act vested in and charged upon the Circuit Judge regularly sitting, and he shall receive the same compensation now provided by law to a Judge sitting by appointment upon a change of Judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said Labor Commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the Labor Commission to proceed at once to investigate the facts attending the disagreement. In this investigation the Commission shall be entitled, upon request, to the presence and assistance of the Attorney-General of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the Commission. For the purpose of such investigation the Commission shall have power to issue subpoenas, and each of the Commissioners shall have power to administer oaths and affirmations. Such subpoena shall be under the seal of the Commission and signed by the Secretary of the Commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpoena may be served and returned as other process by any Sheriff or Constable in the State. In case of disobedience of any such subpoena, or the refusal of any witness to testify, the Circuit Court of the county within which the subpoena was issued, or the Judge thereof in vacation, shall, upon the application of the Labor Commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpoena, or testify as required by the Commission, or be adjudged guilty of contempt, and in such proceedings such court, or the Judge thereof in vacation, shall



be empowered to compel obedience to such subpoena as in the case of subpoena issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the Labor Commission under this section shall be paid \$1.00 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the Labor Commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the Governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the Commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the Commission in the investigation provided for in the two last preceding sections, to submit in writing to the Commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said Commissioners shall receive a compensation of ten dollars each per diem for the time actually expended, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a Board of Arbitration chosen by the parties under the provisions of this act shall receive the same compensation for the days occupied in service upon the Board. The Attorney-General, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the Commission. Such compensation and expenses shall be paid by the Treasurer of State upon warrants drawn by the Auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the Commissioners, shall be certified as correct by the Commissioners, or one of them, and the

accounts of the Commissioners shall be certified by the Secretary of the Commission. It is hereby declared to be the policy of this act that the arbitrations and investigations provided for in it shall be conducted with all reasonable promptness and dispatch, and no member of any Board of Arbitration shall be allowed payment for more than fifteen days' service in any one arbitration, and no Commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 14 and sections following.

SEC. 18. For the payment of the salary of the Secretary of the Commission, the compensation of the Commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, printing, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the year 1897 and five thousand dollars for the year 1898.

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## IDAHO.

The following bill, having remained with the governor more than ten secular days after the legislature adjourned, became a law March 20, 1897.

**An Act to provide for a State Board of Arbitration, for the Settlement of Differences between Employees and their Employers and to provide for Local Boards of Arbitration subordinate thereto.**

*Be it enacted by the Legislature of the State of Idaho:*

SECTION 1. The Governor, with the advice and consent of the Senate, shall, on or before the fourth day of March, eighteen hundred and ninety-seven, appoint three competent persons to serve as a State board of Arbitration and Conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor; one of them shall be selected from some labor organization and not an employer of labor; the third shall be appointed upon the recommendation of the other two; *Provided, however,* That if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the Governor. On or before the fourth day of

March, eighteen hundred and ninety-seven, the Governor, with the advice and consent of the Senate, shall appoint three members of said board in the manner above provided; one to serve for six years; one for four years; and one for two years; or until their respective successors are appointed; and on or before the fourth day of March of each year during which the legislature of this State is in its regular biennial session thereafter, the Governor shall in the same manner appoint one member of said board to succeed the member whose term then expires and to serve for the term of six years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their members as chairman. Said board shall choose one of its members as secretary and may also appoint and remove a clerk of the board, who shall receive pay only for time during which his services are actually required and that at a rate of not more than four dollars per day during such time as he may be employed.

SEC. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the Governor and Senate.

SEC. 3. Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, and his employees if at the time he employs not less than twenty-five persons in the same general line of business in any city or town or village or county in this State, the board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the

said board shall cause a copy thereof to be filed with the County Recorder of the county where such business is carried on.

SEC. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties and shall contain a concise statement of the grievance complained of, and a promise to continue in the business or at work without any lockout or strike until the decision of said board if it shall be made in three weeks of the date of filing said application, when an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request be made, notice shall be given to the parties interested in such manner as the board may order and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have the power to summons as witness any operative in the departments of business affected, and any person, who keeps the records of wages earned in those departments and to examine them under oath and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision which shall be open to public inspection shall be recorded upon the records of the board and published at the discretion of the same, in an annual report to be made to the Governor of the State on or before the first day of February of each year.



SEC. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory, mill or at the mine where they work or are employed.

SEC. 7. The parties to any controversy or difference as described in Section 3 of this act may submit the matters in dispute, in writing to a local board of arbitration and conciliation, such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission.

The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the recorder of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the board of commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration, whenever it is made to appear to the mayor of a city or the board of commissioners of a county that a strike or lockout such as described in Section 8 of this act is seriously threatened or actually occurs, the mayor of such city or the board of commissioners of such county shall at once notify the state board of the facts.

SEC. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of commissioners of a county, as provided in the preced-



ing section or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any county or town of the State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lockout was employing not less than twenty-five persons in the same general line of business in any county or town in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer, and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them; *Provided*, That a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by Section 3 of this act.

SEC. 9. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents, a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the State for the payment thereof any of the unappropriated moneys of the State.

SEC. 10. The members of said state board shall be paid six dollars per day for each day that they are actually engaged in the performance of their duties, to be paid out of the treasury of the State, and they shall be allowed their necessary traveling and other expenses, which shall be paid out of the treasury of the State.

## COLORADO.

[CHAPTER 2 OF THE SESSION LAWS OF 1897. *Approved March 31.*]

**An Act creating a State and local Boards of Arbitration and providing for the adjustment of differences between Employers and Employes and defining the powers and duties thereof and making an appropriation therefor.**

*Be it enacted by the General Assembly of the State of Colorado :*

SECTION 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employes.

SECTION 2. Immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

SECTION 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in

the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SECTION 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

SECTION 5. Whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

SECTION 6. After the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the

parties to the controversy, and one copy retained by the Board.

SECTION 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to effect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpœna witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

SECTION 8. The fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the Board. All subpœnas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

SECTION 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted to it, but it may ask and receive the advice and assistance of



the State Board. Such local Board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State Board. Each of such local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided, that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

SECTION 10. Said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

SECTION 11. The Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

SECTION 12. Two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon the warrants issued by the Auditor of the State. The other expenses of the Board shall be paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

SECTION 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected



from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

SECTION 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SECTION 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

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### WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes:

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

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### IOWA.

**An Act to Authorize the Creation and to Provide for the Operation of Tribunals of Voluntary Arbitration to Adjust Industrial Disputes between Employers and Employed.**

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the pres-

entation of a petition, or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

SEC. 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty person employed as workmen, and by four or more separate firms, individuals, or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry; *provided*, that at the time the petition is presented, the judge before whom said petition is presented may, upon motion require testimony to be taken as to the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority, or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the persons to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued a license substantially in the form hereinafter given, authorizing the existence of such tribunal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, or mining industry, or business, who shall have petitioned for the tribunal, or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that

licensed said tribunal, from three names, presented by the members of the tribunal remaining in that class, in which the vacancies occur. The removal of any member to an adjoining county, shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives, of both employers and workmen constituting the tribunal, immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

SEC. 5. The said tribunal shall consist of not less than two employers or their representatives, and two workmen or their representatives. The exact number which shall in each case constitute the tribunal, shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or if such majority cannot be had after two votes, then by secret ballot, or by lot, as they prefer.

SEC. 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the court house or elsewhere for the use of said tribunal shall be provided by the county board of supervisors.

SEC. 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and

accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; *provided*, that the tribunal may unanimously direct that instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts, as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing, and presented to said accountant, which statement shall be signed by the members of said tribunal, or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute, shall not be permitted to appear or take part in any of the proceedings of the tribunal, or before the umpire.

SEC. 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence, or other questions in conducting the inquiries there pending, shall be final. Committees of the tribunal consisting of an equal number of each class may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear, and settle the same finally, when it can be done by a unanimous vote; otherwise the same shall be reported to the full tribunal, and be there heard as if the question had not been referred. The said tribunal in connection with the said umpire shall have power to make or ordain and enforce rules for the government of the body when in session to enable the business to be proceeded with, in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon,



after hearing shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same.

SEC. 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:

To the District Court of.....County (or to a judge thereof, as the case may be):

The subscribers hereto being the number, and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry), trade, and having agreed upon A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen, as members of said tribunal, who each are qualified to act thereon, pray that a license for a tribunal in the .....trade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYEES.	Names.	Residence.	By whom employed.



SEC. 11. The license to be issued upon such petition may be as follows.

STATE OF IOWA }  
COUNTY } ss

Whereas, The joint petition, and agreement of four employers (or representatives of a firm or corporation or individual employing twenty men as the case may be), and twenty workmen have been presented to this court (or if to a judge in vacation so state) praying the creation of a tribunal, of voluntary arbitration for the settlement of disputes in the workman trade within this county and naming A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen. Now in pursuance of the statute for such case made, and provided said named persons are hereby licensed, and authorized to be, and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers, and workmen for the period of one year from this date, and they shall meet, and organize on the ..... day of ..... A. D. .... at .....

Signed this ..... day of ....., A. D. ....

Clerk of the ..... District Court of ..... County.

SEC. 12. When it becomes necessary to submit a matter in controversy to the umpire it may be in form as follows :

We A, B, C, D, and E representing employers, and G, H, I, J, and K representing workmen composing a tribunal of voluntary arbitration hereby submit, and refer unto the umpirage of L (the umpire of the tribunal of the ..... trade) the following subject-matter, viz.: (Here state full, and clear the matter submitted), and we hereby agree that his decision and determination upon the same shall be binding upon us, and final, and conclusive upon the questions thus submitted, and we pledge ourselves to abide by, and carry out the decision of the umpire when made.

Witness our names this ..... day of ..... A. D. ....

(Signatures) .....

SEC. 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [Approved March 6, 1886.]

## KANSAS.

An Act to establish boards of arbitration, and defining their powers and duties.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year. from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may

submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident or mistake.

SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in ses-

sion, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the District Court of                      County (or a judge thereof, as the case may be): The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law.

SEC. 11. This act to be in force and take effect from and after its publication in the official state paper. [*Published February 25, 1886.*]



## PENNSYLVANIA.

**An Act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor.**

WHEREAS, The great industries of this Commonwealth are frequently suspended by strikes and lockouts resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

*And, whereas,* No adequate means exist for the adjustment of these issues between capital and labor, employers and employés, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry in harmony with law and a generous public sentiment: Therefore,

SECTION 1. *Be it enacted, &c.,* That whenever any differences arise between employers and employés in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the court of common pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them which must be fully set forth in the application, such application to be in writing and signed and duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed with the record of all proceedings had in consequence thereof among the records of said court.

SECTION 2. That when the application duly authenticated has been presented to the court of common pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators in order to preserve the public



peace, or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county of good character and familiar with all matters in dispute to serve as members of the said board of arbitration which shall consist of nine members all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration.

Where but one party makes application for the appointment of such board of arbitration the court shall give notice by order of court to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuse or neglects to make such appointment the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration.

The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

SECTION 3. That when the board of arbitrators has been thus appointed and constituted, and each member has been sworn or affirmed and the papers have been submitted to them, they shall first carefully consider the records before them and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions and may summon or appoint officers to assist and in all ballots he shall have a vote. It shall be lawful for him at the request of any two members of the board to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any matter before

the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the county where the offence is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

SECTION 4. That as soon as the board is organized the president shall announce that the sessions are opened and the variants may appear with their attorneys and counsel, if they so desire, and open their case, and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employés shall stand as plaintiff in the case, each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board shall be final and conclusive of all matters brought before them for adjustment, and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the dispute arises and hold sessions and personally examine the workings and matters at variance to assist their judgment.

SECTION 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: each shall receive four dollars per diem and ten cents per mile both ways between their homes and the place of meeting by the nearest comfortable routes of travel to be paid out of the treasury of the county where the arbitration is held, and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar services.

SECTION 6. That the board of arbitrators shall duly execute their decision which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

SECTION 7. All laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed. [Approved the 18th day of May, A.D. 1893.

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## TEXAS.

[CHAPTER 379.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employes concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employes concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the contro-

versy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employes belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employes shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

SEC. 4. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employes, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows :

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.



3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employes dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

SEC. 5. That the arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

SEC. 6. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

SEC. 7. That when said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in section 1, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and



determine the same as fully as if said board was originally created for the settlement of such difference or differences.

SEC. 8. That during the pendency of arbitration under this act it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employes parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employes to order, nor for the employes to unite in, aid or abet strikes or boycotts against such employer or receiver.

SEC. 9. That each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten (10) days, and traveling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. That the fees of witnesses of aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. That the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to such arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration (arbitrators) proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all the expenses connected with the said arbitration.

SEC. 10. That the award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employes or their duly authorized representative. That the award being filed in the clerk's office of the district court, as herein before provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the

record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

SEC. 11. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the Court of Civil Appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said Court of Civil Appeals upon said questions shall be final, and being certified by the clerk of said Court of Civil Appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 12. The near approach of the end of the session, and the great number of bills requiring the attention of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read in each house on three several days be suspended, and it is so suspended. [*Approved April 24, 1895.*]

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### MARYLAND.

#### **An Act to provide for the reference of disputes between employers and employees to arbitration.**

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the Board of Public Works, shall tend to impair the useful-

ness or prosperity of such corporation, the said Board of Public Works shall have power to demand and receive a statement of the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said Board of Public Works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said Board of Public Works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

SEC. 2. *And be it enacted*, That all subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees, employed by them in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

SEC. 3. *And be it further enacted*, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say: Where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this act, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute, and such judge or justice of the peace shall then and there propose

not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with such judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was



obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [*Approved April 1, 1878.*]

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### MISSOURI.

**An Act to provide for a board of mediation and arbitration for the settlement of differences between employers and their employes.**

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Upon information furnished by an employer of laborers, or by a committee of employes, or from any other reliable source, that a dispute has arisen between employers and employes, which dispute may result in a strike or lockout, the commissioner of labor statistics and inspection shall at once visit the place of dispute and seek to mediate between the parties, if, in his discretion it is necessary so to do.

SEC. 2. If a mediation can not be effected, the commissioner may at his discretion direct the formation of a board of arbitration, to be composed of two employers and two employes engaged in a similar occupation to the one in which the dispute exists, but who are not parties to the dispute, and the commissioner of labor statistics and inspection, who shall be president of the board.

SEC. 3. The board shall have power to summon and examine witnesses and hear the matter in dispute, and, within three days after the investigation, render a decision thereon, which shall be published, a copy of which shall be furnished each party in dispute, and shall be final, unless objections are made by either party within five days thereafter: Provided, that the only effect of the investigation herein provided for shall be to give the facts leading to such dispute to the public through an unbiased channel.

SEC. 4. In no case shall a board of arbitration be formed when work has been discontinued, either by action of the employer or the employes; should, however, a lockout or strike have occurred before the commissioner of labor statistics could



be notified, he may order the formation of a board of arbitration upon resumption of work.

SEC. 5. The board of arbitration shall appoint a clerk at each session of the board, who shall receive three dollars per day for his services, to be paid, upon approval by the commissioner of labor statistics, out of the fund appropriated for expenses of the bureau of labor statistics. [*Approved April 11, 1889.*]

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### NORTH DAKOTA.

Chapter 46, of the Acts of 1890, defining the duties of the Commissioner of Agriculture and Labor, has the following:—

SECTION 7. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more of said employes, or by the employers, to visit the place of such disturbance and diligently seek to mediate between such employer and employes.

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### NEBRASKA.

The law creating the Bureau of Labor and Industrial Statistics of the State of Nebraska, defines the duties of the chief officer as follows:—

SEC. 4. The duties of said commissioner shall be to collect, collate and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the state, and especially to examine into the relations between labor and capital; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries; the employment of illegal child labor; the exaction of unlawful hours of labor from any employee; the educational, sanitary, moral, and financial condition of laborers and artisans; the cost of food, fuel, clothing, and building material; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes. [*Approved March 31, 1887.*]



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